

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **MIGUEL ANGEL RIVERA GARCIA**
SSN xxx-xx-6059

CASE NO: **18-05790-BKT**

Debtor(s)

Chapter 13

- AMENDED -

TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$232.00** Outstanding (Through the Plan): **\$2,768.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor's/s' Commitment Period: ☒ Under Median Income 36 months ☐ Above Median Income 60 months §1325(b)(1)(B)
☐ The Trustee cannot determine debtor's/s' commitment period at this time. Projected Disposable Income: **\$0.00**

Liquidation Value: \$0.00 Estimated Priority Debt: \$590.33

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00

With respect to the (amended) Plan date: **Nov 29, 2018 (Dkt 13)** **Plan Base: \$27,034.00**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.: **0 %**

The Trustee objects to confirmation for the following reasons:

[1325(a)(5)] Plan fails to comply with required treatment of allowed Secured Claims.

- 1325 (a)(5)(A): Secured creditor(s) provided for in the plan has/have NOT ACCEPTED the same.

USDA's Objection to Confirmation is pending. Docket no. 19 Re: The plan is insufficiently funded to pay what it needs to pay.

[1325(a)(6)] Payment Default Feasibility – Debtor(s) is in default with proposed plan payments, to the trustee and/or creditor(s).

Debtor is one month, or \$451.00, in arrears with the Trustee. The pending payment pertains to the month of March 2019; which became due on the 1st day of the month.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to comply with plan scheduled distribution or no sufficient information to determine it.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to pay 100% of [507] priority claims.
[1322(d)(1)]

The minimum base needed totals \$35,600.00 USDA filed its claim with more pre petition arrears than what debtor had contemplated.

***OTHER COMMENTS / OBJECTIONS**

NONE.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Date: March 01, 2019

/s/ Nannette Godreau, Esq.

Last Docket Verified: 19 Last Claim Verified: 8 CMC: